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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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|---------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of the Commission's |) | ET Docket No. 95-183 |
| Rules Regarding the 37.0-38.6 GHz and |) | RM-8553 |
| 38.6-40.0 GHz Bands |) | |
| |) | |
| Implementation of Section 309(j) of |) | PP Docket No. 93-253 |
| the Communications Act -- Competitive |) | |
| Bidding, 37.0-38.6 GHz and |) | |
| 38.6-40.0 GHz |) | |
| To: The Commission | | |

COMMENTS

In November 1997, the Federal Communications Commission (the "Commission") amended the rules for the terrestrial fixed point-to-point microwave radio service ("FS") in the 38.6-40.0 GHz band ("39 GHz Band") and it adopted new rules for the FS in the 37.0-38.6 GHz band ("37 GHz Band").¹ In March 1998, several parties filed Petitions for Reconsideration and/or Clarification of the Order.

The Fixed Point-to-Point Communications Section, Wireless Communications Division, of the Telecommunications Industry Association (the "Fixed Section")²

¹Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, Report and Order and Second Notice of Proposed Rulemaking, 12 FCC Rcd 18600 (1997) ("Order").

²The Telecommunications Industry Association ("TIA") is the principal industry association representing all telecommunications equipment manufacturers, including manufacturers of FS equipment. Fixed Section members serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular

hereby submits its comments on the Petitions for Reconsideration and/or Clarification filed by WinStar Communications, Inc. ("WinStar") and Comsearch in the captioned proceeding concerning the criteria for frequency coordination in the 39 GHz Band.

In its Order, the Commission amended the technical rules for the 39 GHz Band. Specifically, it made 39 GHz Band applicants and licensees subject to the frequency coordination procedures prescribed in Section 101.103(d) of the Commission's Rules. In addition, the Commission required that coordination between neighboring systems was only necessary for operations located within 16 kilometers ("km") of BTA boundaries.³ Systems outside this 16 km BTA perimeter thus would not be notified for coordination purposes.

In their Petitions for Reconsideration, both WinStar and Comsearch request that the Commission reconsider its rule requiring licensees to coordinate within 16 km of BTA boundaries.⁴ The Fixed Section supports this request because the 16 km coordination distance adopted by the Commission is arbitrary and does not adequately protect neighboring systems.

carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. Sometimes, a product-oriented division or a section of such a division will file in a proceeding representing the views of only the members of that division or section.

³Order, 12 FCC Rcd at 18634.

⁴WinStar Petition for Clarification/Reconsideration at 7-8 ("WinStar Petition"); Comsearch Petition for Reconsideration at 2-4 ("Comsearch Petition").

In the Notice of Proposed Rulemaking⁵ for this proceeding, the Commission did not propose or seek comment on the issue of an appropriate frequency coordination distance. However, in the Order, the Commission stated that, “[b]ased on propagation characteristics . . . , coordination between neighboring systems need only encompass operations within 16 kilometers of BTA boundaries.”⁶ Yet, there is no record support for this coordination requirement. Thus, it appears that the Commission, without any basis, adopted the 16 km coordination distance. Unfortunately, as detailed below, this distance is not large enough to preclude the possibility of harmful interference.

The minimum coordination distance must be significantly larger than 16 km. To protect the integrity of the high quality, high speed digital services proposed and already offered in the 39 GHz Band, minimum coordination distances of 40-75 km are required near the main beam of a proposed FS transmitter. As Comsearch noted, the 16 km distance does not provide any margin for differential path fading.⁷

In the Order, the Commission indicated that its interference rules would be interim pending the National Spectrum Managers Association’s (“NSMA”) adoption of procedures that will minimize interference and facilitate coordination in the 39 GHz

⁵Amendment of the Commission’s Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, Notice of Proposed Rulemaking and Order, 11 FCC Rcd 4930 (1995).

⁶Order, 12 FCC Rcd at 18634.

⁷Comsearch Petition at 2.

Band.⁸ The Fixed Section strongly urges the Commission to rely on NSMA's recommendations. It has been a critical player in evaluating the processes and technical criteria necessary for formalizing a frequency coordination process in the 39 GHz Band and is best suited to recommend the proper coordination distance between systems.

Nevertheless, as detailed above, the 16 km distance must not be used as an interim standard pending adoption of NSMA standards. Instead, Comsearch proposes that the Commission abstain from imposing any coordination distance at all.⁹ It also suggests that the Commission, if compelled to codify a coordination distance in this band, should specify a "default" distance to be used only in the absence of an industry accepted criterion.¹⁰

Currently, Part 101 does not specify a coordination distance for FS systems. The FS industry, until now, has successfully determined the proper coordination distance on a case-by-case basis. There is no reason to change this procedure at this time. If necessary, consistent with Comsearch's suggestion, the Commission should specify a default distance that is greater than the 16 km standard (i.e., in the order of 40-75 km).

⁸Order, 12 FCC Rcd at 18633.

⁹Id. at 3-4.

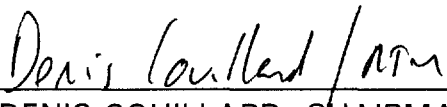
¹⁰Id.

CONCLUSION

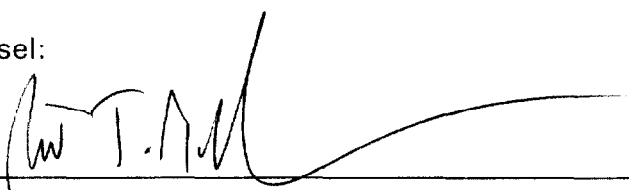
For all the foregoing reasons, the Fixed Section urges the Commission to act on the Petitions for Reconsideration and/or Clarification filed by WinStar and Comsearch in accordance with the comments provided herein.

Respectfully submitted,

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April 3, 1998

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Comments" will be mailed via first class mail on the 6th day of April, 1998, to:

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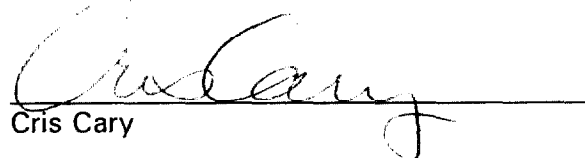
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